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October 11, 2012

**BY EMAIL**

Hon Denise L. Cote  
United States District Judge  
500 Pearl Street, Room 1610  
New York, New York 10007-1312

RE: [FHFA Actions, 11-cv-5201 \(DLC\) et al.](#)

Dear Judge Cote:

Per DLC Chambers, docket in:  
 11-cv-5201 11-cv-6188  
 11-cv-6189 11-cv-6190  
 11-cv-6192 11-cv-6193  
 11-cv-6195 11-cv-6196  
 11-cv-6198 11-cv-6200  
 11-cv-6201 11-cv-6202  
 11-cv-6203 11-cv-6739  
 11-cv-7010 11-cv-7048

On behalf of defendants in the above-referenced actions ("Defendants"), we write to request that the Court's Order dated October 11, 2012 (the "October 11 Order") be made to apply to all parties, rather than to Defendants alone. Defendants respectfully submit that the Court and the parties will only have a complete understanding of the status of third party Loan File production if FHFA is also ordered to submit a Loan File status report prior to the upcoming conference.

In recent weeks, FHFA has issued hundreds of subpoenas to third party originators seeking loan files – including approximately 206 subpoenas issued in October alone (172 of which Defendants received notice of this morning). FHFA has also sought and received loan files from third parties prior to the commencement of these actions, through its purported contractual and administrative subpoena powers. Indeed, in response to the Court's August 10 Order directing all parties to exchange Loan File information, FHFA represented that a number of these contractual and/or administrative requests for loan files remain outstanding, some with return dates that began to run as late as September. FHFA has supplied no updates since.

Accordingly, Defendants respectfully request that FHFA be ordered to submit a Loan File status report setting out the information required by the October 11 Order, encompassing the status of, and FHFA's efforts to prosecute, (i) subpoenas issued in connection with these actions, (ii) subpoenas issued pursuant to FHFA's purported administrative or contractual powers, and (iii) any other formal or informal requests for loan files made by FHFA.

Hon Denise L. Cote  
October 11, 2012  
Page 2

Respectfully submitted,



Robert A. Fumerton

cc: All counsel of record (by email)